

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS

AUG 31 2010 NP/CAS

# RESOLUTION

*of the*

## **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

**regarding**

### **AUTHORIZATION TO CONVEY CERTAIN COUNTY PROPERTY INTERESTS TO THE CITY OF ORLANDO, FLORIDA**

**Resolution No. ~~10~~ 2010-M-65**

**WHEREAS**, Orange County (“County”), a charter county and a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38 of the Florida Statutes, has authority to determine that certain County property is not needed for County purposes and to convey said property, for nominal price or otherwise, to the State of Florida or any political subdivision or agency thereof, or any municipality of the State of Florida, or any corporation or non-profit entity organized for the purpose of promoting community interest and welfare; and

**WHEREAS**, the County obtained an easement to a certain property by virtue of an Outfall Ditch Easement recorded in the Public Records on July 1, 1954, in Deed Book 986, Page 509, referenced in Exhibit “A”; and

**WHEREAS**, the County obtained an easement to a certain property by virtue of a Drainage Easement recorded in the Public Records on February 27, 1968, in Official Records Book 1709, Page 771, referenced in Exhibit “B”; and

**WHEREAS**, by virtue of annexation, the easements named above are now located within the jurisdictional limits of the City of Orlando; and

**WHEREAS**, the County has determined that the defined easements should be assigned to the City of Orlando, and such conveyance is in the public interest; and

**WHEREAS**, the City of Orlando is qualified, as a municipality under the laws of the State of Florida, to receive these County easements pursuant to Section 125.38, Florida Statutes .

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:**

1. The Board hereby determines that the easements are not needed for County purposes and that it is in the best interest of Orange County that its interests in the easements be conveyed to the City of Orlando.

2. The Board directs that all of the County's right, title, and interest in the above easements be conveyed to the City of Orlando and, as consideration, the City of Orlando will assume all of the County's rights, duties, and obligations that exist under the terms and conditions of the above easements.

3. The Board directs the Orange County Mayor to execute and deliver an Assignment of Easements to effectuate such conveyance, and that staff do all things necessary and appropriate to conclude this transaction.

4. The Board hereby directs that a certified copy of this Resolution shall be forwarded forthwith to the City of Orlando.

5. This Resolution shall become effective upon its adoption by the Board.

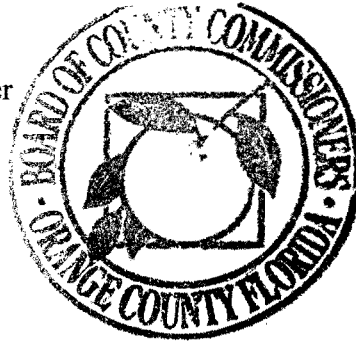
ADOPTED this \_\_\_\_ day of AUG 31 2010, 2010.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Richard T. Crotty*  
Richard T. Crotty  
Orange County Mayor

ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*  
Deputy Clerk



JUL 1 1954

DEED BOOK 986 PAGE 509  
OUTFALL DITCH EASEMENT

RP No. 495 ALBERT ST.  
381259

THIS INDENTURE, made the 1st day of April in the year of our Lord one thousand nine hundred and fifty-four between Marderos G. Malkonian and wife

of the County of Orange and State of Florida, party of the first part, and the COUNTY OF ORANGE, in the State of Florida, party of the second part.

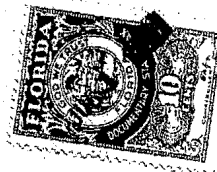
WITNESSETH, That the party of the first part, in consideration of the sum of \$1.00 paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby give and grant to the party of the second part and its successors a right-of-way for public ditch purposes and full authority to enter upon, construct and maintain a ditch over and upon the following described lands situate in Orange County aforesaid, to-wit:

PERMANENT FILE

South 5 feet of South 155 feet of SW 1/4 of SE 1/4

Section 2, Township 23 South, Range 29 East.

FILED IN THE OFFICE OF THE CLERK OF THE  
CIRCUIT COURT OF ORANGE COUNTY, FLORIDA ON  
JUL 1 1954 AT 8:55 O'CLOCK A.M.  
AND RECORDED IN DEED  
BOOK NO. 986 PAGE 509  
AND RECORD VERIFIED.



Arthur W. Newell  
CLERK

TO HAVE AND TO HOLD the said easement or right-of-way unto the party of the second part and its successors for the purposes aforesaid.

In witness whereof we have hereunto set our hand and seal this 1st day of April, A.D. 1954.

Signed, sealed and delivered in presence of:

Marderos G. Malkonian (Seal)  
Malkonian (Seal)  
(Seal)  
(Seal)

*[Signatures]*

STATE OF FLORIDA

COUNTY OF ORANGE

I HEREBY CERTIFY, that on this 1st day of April, A.D. 1954, before me personally appeared

Marderos G. Malkonian and wife,

to me well known as the individual described in and who executed the foregoing conveyance and acknowledged the execution thereof as and for their free act and deed.

Filed in the office of the Clerk of the Circuit Court of the County of Orange, State of Florida, on the day of A.D. 1954 and recorded in Book on page Record verified.

Clerk of the Circuit Court  
By, D.C.

WITNESS my signature and official seal at Orlando in the County of Orange and State of Florida the day and year last aforesaid.

*[Signature]*  
Clerk of the Circuit Court of the County of Orange, State of Florida at large  
My Commission Expires Sept. 25, 1954.  
State of Florida  
Title of Officer  
My Commission Expires on the day of A.D. 1954

DB 986 page 509  
Albert Street Drainage Easement

EXHIBIT A

183292 RECORDED

FEB 27 2 17 PM 1968

**DRAINAGE EASEMENT**

1709 771

THIS INDENTURE, made the 12th day of February, 1968 between Maderos Malkonian, an unmarried widower

of the County of Orange and State of Florida, GRANTOR, and the COUNTY OF ORANGE, in the State of Florida, GRANTEE.

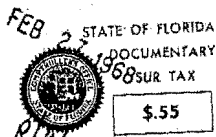
WITNESSETH, That the Grantor, in consideration of the sum of \$ 1.00 paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby give and grant to the Grantee and its assigns a right-of-way and easement for drainage purposes, with full authority to enter upon, construct and maintain, as the Grantee and its assigns may deem necessary, a drainage ditch, pipe or facility over, under and upon the following described lands situate in Orange County aforesaid, to-wit:

The North 5 feet of the South 10 feet of the South 85 feet of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 2, Township 23 South, Range 29 East (less the East 681.35 feet thereof).



PERMANENT FILE

This instrument prepared by:  
JOHN L. THOMAS, II  
Thomas & Carter, Attorneys  
216 E. Jackson St.  
Orlando, Fla. 32801



OR 1709 Page 771  
Albert Street Drainage Easement

TO HAVE AND TO HOLD said right-of-way and easement unto said Grantee and its assigns forever.

THE Grantee herein and its assigns shall have the right to clear and keep clear all trees, undergrowth and other obstructions that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility, out of and away from the herein granted right-of-way, and the Grantor, his heirs, successors and assigns, agrees not to build, construct or create, nor permit others to build, construct or create any buildings or other structures on the herein granted right-of-way that may interfere with the normal operation or maintenance of the drainage ditch, pipe or facility.

IN WITNESS WHEREOF, I have hereto set my hand and seal the day and year above written.

Signed, sealed and delivered in presence of:

[Signature]  
Eliza m. Hovanec

Maderos Malkonian (Seal)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Seal)

STATE OF FLORIDA  
COUNTY OF ORANGE

RECORDED & RECORD VERIFIED  
[Signature] Clerk of  
Circuit Court, Orange Co., Fla.

I hereby certify that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Maderos Malkonian, an unmarried widower to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid, this 12th day of February, 1968

[Signature]  
Notary Public.

My Commission expires: Notary Public State of Florida at Largo, My Commission expires Jan. 21, 1969.

EXHIBIT 3